

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No. 15-874V

Filed: September 18, 2015

UNPUBLISHED

CHERYL PEDRAZA,

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Petitioner,

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SECRETARY OF HEALTH

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AND HUMAN SERVICES,

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Respondent.

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Maximillian J. Muller, Muller Brazil, LLP, Philadelphia, PA, for petitioner.

Darryl R. Wishard, U.S. Department of Justice, Washington, DC, for respondent.

RULING ON ENTITLEMENT¹

Dorsey, Chief Special Master:

On August 13, 2015, Cheryl Pedraza (“petitioner”) filed a petition for compensation under the National Vaccine Injury Compensation Program, 42 U.S.C. §300aa-10, et seq.,² [the “Vaccine Act” or “Program”]. Petitioner alleges that as a result of receiving the influenza (“flu”) vaccine on October 14, 2014, she suffered a right shoulder injury that was caused in fact by her vaccination. Petition at 5. The case was assigned to the Special Processing Unit of the Office of Special Masters.

On September 18, 2015, respondent filed her Rule 4(c) report in which she concedes that petitioner is entitled to compensation in this case. Respondent’s Rule 4(c) Report at 1. Specifically, respondent states that petitioner’s injury is consisted with shoulder injury related to vaccine administration (SIRVA), and that it was caused in fact by the flu vaccine she received on or about October 14, 2014. Id. at 4-54. Respondent

¹ Because this unpublished ruling contains a reasoned explanation for the action in this case, I intend to post it on the United States Court of Federal Claims’ website, in accordance with the E-Government Act of 2002, Pub. L. No. 107-347, § 205, 116 Stat. 2899, 2913 (codified as amended at 44 U.S.C. § 3501 note (2006)). In accordance with Vaccine Rule 18(b), petitioner has 14 days to identify and move to redact medical or other information, the disclosure of which would constitute an unwarranted invasion of privacy. If, upon review, I agree that the identified material fits within this definition, I will redact such material from public access.

² National Childhood Vaccine Injury Act of 1986, Pub. L. No. 99-660, 100 Stat. 3755. Hereinafter, for ease of citation, all “§” references to the Vaccine Act will be to the pertinent subparagraph of 42 U.S.C. § 300aa (2012).

further states that there are no other causes identified for petitioner's injury and the records show that petitioner suffered the sequela of her injury for more than six months. Thus, respondent states that "petitioner has met the statutory requirements for entitlement to compensation." Id.

In view of respondent's concession and the evidence presented, the undersigned finds that petitioner is entitled to compensation.

s/Nora Beth Dorsey

Nora Beth Dorsey
Chief Special Master